

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA**

United States of America,	)	
	)	
Plaintiff,	)	<b>ORDER</b>
	)	
vs.	)	
	)	
Garron Gonzalez,	)	
	)	Case No. 1:11-cr-042
Defendant.	)	

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On April 9, 2014, defendant was convicted by a jury of the offense of attempted sexual exploitation of minors. On May 20, 2015, the court sentenced defendant to a term of 300 months imprisonment to run consecutive to the North Dakota state sentence imposed in Case No. 08-03-K2928. The conviction and sentence were upheld on direct appeal.

On October 19, 2016, defendant filed a “Motion Requesting [a] Court Order for Production of Case File.” Defendant avers that he requires his case file for “appeal support purposes” but that defense counsel is refusing to provide it to him. (Docket No. 134). He “believes there is documentation in the case file that was not produced in discovery” and that “exculpatory information within the file was mistakenly overlooked and failed to be addressed at trial.” (Id.).

The court is not inclined to order production of the case file at this time. First, defendant has already filed an appeal with the Eighth Circuit, which was denied.<sup>1</sup> He has no appeal currently pending. Second, defendant has not filed a petition for habeas corpus relief under 28 U.S.C. § 2555. Third, neither defense counsel’s case file nor the record are likely to contain the documentation defendant is seeking. Defendant’s request for production is predicated in part on his belief that the

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<sup>1</sup> The Eighth Circuit issued its opinion denying defendant’s direct appeal on June 27, 2016. (Docket No. 131-2). The mandate was filed on August 31, 2016. (Docket No. 132).

case file in defense counsel's possession contains documentation that was not produced by the Government during discovery. However, if documentation was indeed withheld, it would not be in defense counsel's case file or otherwise have been made part of the record.

Accordingly, defendant's motion (Docket No. 134) is **DENIED** without prejudice.

**IT IS SO ORDERED.**

Dated this 4th day of November, 2016.

/s/ Charles S. Miller, Jr.  
Charles S. Miller, Jr., Magistrate Judge  
United States District Court